

**BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

Minutes of Meeting

The Board of Professional Engineers and Professional Land Surveyors held a regular meeting on September 7 - 8, 2017 at the Board Office, 1510 E. Watertower St., Ste. 110, Meridian, ID 83642 to conduct Board business. The meeting convened at 8:00 a.m. (MST) on Thursday, September 7, 2017 with the following Board members present: John Elle, Glenn Bennett, George Wagner, Raymond Watkins, Dusty Obermayer, John Tomkinson and Dr. Murgel. Also present was Keith Simila, Executive Director, Jim Szatkowski, Deputy Director, Mike Kane, Board Attorney and Jennifer Rowe, Administrative Assistant.

- i. **AGENDA REVIEW** - Are there any new agenda items? There were no new items to add to the agenda.

I. READING OF MINUTES

- 1. Meeting Minutes for the June 6 - 7, 2017 Board meeting.

Moved by Mr. Elle, seconded by Mr. Tomkinson to approve the minutes as presented. Motion passed unanimously.

II. REVIEW AND APPROVAL OF CONSENT AGENDA

- 1. Glenn Bennett agreed to participate as an observer for the October 15-17, 2017 ETAC ABET general review and was accepted by ISU and the Team Chairman. George Murgel agreed to participate as an observer for the October 15-17, 2017 EAC ABET general review and was accepted by ISU and the Team Chairman.
- 2. A voluntary license surrender in lieu of discipline was received from Jerry Donald Gager.
- 3. A Voluntary License Retirement was received from Steven Seitz.
- 4. Legislative Services Office completed a Management Audit for FY 2014, 15 and 16. There were no findings or recommendations.
- 5. A Federal Bill was introduced related to licensing boards.

Moved by Dr. Murgel, seconded by Mr. Tomkinson to approve the items on the consent agenda with no further action.

III. UNFINISHED BUSINESS

1. Review the Strategic Plan Objectives. The Board noted the there are currently no changes to the Strategic Plan.
2. Subcommittee Updates
 - a. Surveying FAQ (Frequently Asked Questions) Page Subcommittee (Mr. Obermayer, Mr. Bennett and Mr. Elle): The subcommittee reviews changes to the surveying laws and assists staff with updating the Surveying FAQ web page. Mr. Bennett and Mr. Elle are working with Mr. Szatkowski to keep the FAQ current. The Board noted the information.
 - b. QBS Subcommittee (Mr. Wagner, Mr. Bennett and Mr. Elle): The subcommittee studies whether sub consultant services should be procured using QBS and whether a change in the law for the definition of “agent” will accomplish this. The Board noted the information.
 - c. Surveyor Apprenticeship Subcommittee: (Mr. Bennett, Mr. Elle and Mr. Obermayer) Subcommittee to work with the Department of Labor on survey education and apprenticeship program. The Board noted the information.
3. The Board discussed feedback from the QBS Council related to a rule change. The Board noted the information.

IV. NEW BUSINESS

Mr. Synder joined the meeting.

10. A Reinstatement Hearing was held at 8:00 a.m. on September 7, 2017 for Professional Land Surveyor Ed Snyder.

Moved by Mr. Tomkinson, seconded by Dr. Murgel to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 74-206(1)(d). Roll call vote results; Dr. Murgel, yes; Mr. Obermayer, yes, Mr. Tomkinson, yes; Mr. Bennett, yes; Mr. Watkins, yes, Mr. Elle, yes; Mr. Wagner, yes; Mr. Tomkinson, yes;, yes and Mr. Obermayer, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

Mr. Synder left the meeting.

Moved by Mr. Elle, seconded by Mr. Tomkinson to deny reinstatement of Mr. Snyder's license. Motion passed unanimously.

4. Terry Golding submitted a proposal for Binding Arbitration. Counsel advised the Board that the proposal does not comply with the Uniform Arbitration Act. The Board noted the information.

Moved by Mr. Elle, seconded by Dr. Murgel to revive legislation that requires surveyors to include a survey narrative, and a rule modification to change the word "may" to "shall" in the rule requiring the Board to be notified when a material discrepancy response is unsatisfactory. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Obermayer to initiate legislation that requires surveyors to notify affected land owners when double monuments are set for the same corner. Motion passed unanimously.

5. John Henderson submitted a question about an article in the Spring 2017 News Bulletin.

Moved by Mr. Elle, seconded by Mr. Tomkinson to direct Attorney Kane to write to Mr. Henderson and state that this issue is not a Board issue. Motion passed unanimously.

6. Scott Ellsworth submitted a question about easements.

Moved by Dr. Murgel, seconded by Mr. Obermayer to publish the answer to this question that temporary easements don't require monumentation. Motion passed unanimously.

7. Mr. Thomasson submitted an easement question. The Board noted the information and directed Mr. Simila to respond.

9. A question on Government Corners was received from Kevin Sorenson.

Moved by Mr. Obermayer, seconded by Mr. Elle to publish answer in the news bulletin as amended. Motion passed unanimously.

Jim Porter and Terri Ottens joined the meeting.

16. A request from ACEC-Idaho and Forsgren (separately) to consider whether the Board thinks the RFQ for Bridge Inspections is engineering and therefore should be a QBS process vs. bid.

Jim Porter and Terri Ottens left the meeting.

VI. CONSIDERATION OF DISCIPLINARY MATTERS

FY11.11 Erickson, Chad. A resentencing hearing was held on September 6, 2017. Attorney Kane provided an update.

Moved by Mr. Bennett, seconded by Mr. Elle to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 74-206(1)(d). Roll call vote results; Mr. Bennett, yes; Mr. Watkins, yes; Mr. Elle, yes; Mr. Wagner, yes;

Mr. Tomkinson, yes; Dr. Murgel, yes and Mr. Obermayer, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

FY16.03 Wellington, Steven Charles, ROPR. A hearing is scheduled for October 23-25, 2017. The Board noted the information.

FY16.04 Ketcham, C.H. Pete, ROPR (related to the Walker/Erickson matter). Time was extended at January 2017 meeting.

Moved by Dr. Murgel, seconded by Mr. Wagner to designate Mr. Elle as an expert witness and thereby recuse himself as a Board hearing member. Motion passed with Mr. Elle recused.

FY16.08 Erickson, Chad - Ketcham, Pete, ROPR. Time was extended at March 2017 meeting. This matter is now under investigation.

Moved by Dr. Murgel, seconded by Mr. Tomkinson to designate Mr. Elle as an expert witness and thereby recuse himself as a Board hearing member. Motion passed with Mr. Elle recused.

FY16.09 Gager, Jerry Donald. A voluntary license surrender in lieu of discipline was received from Mr. Gager and the Default Hearing was cancelled. The Board noted the information.

FY17.02 Mayberry, Matthew Brian, ROPR (same SW corner; related to the Walker/Erickson matter). Time was extended indefinitely at the January 2017 meeting. Mr. Simila discussed the investigation.

Moved by Mr. Tomkinson, seconded by Dr. Murgel to designate Mr. Elle as an expert witness and thereby recuse himself as a Board hearing member. Motion passed with Mr. Elle and Mr. Obermayer recused.

FY17.05 Jerome Surveyor, ROPR. A Motion to Extend Time was presented to the Board.

Moved by Mr. Obermayer, seconded by Mr. Tomkinson to grant the order extending time. Motion passed unanimously.

FY17.08 Hales, Ryan, Unlicensed Practice. A criminal complaint was filed in this matter. The Board noted the information.

FY 17.09 Idaho County, ROPR. Time was extended at March 2017 meeting.

Moved by Mr. Tomkinson, seconded by Dr. Murgel to designate Mr. Elle as an expert witness and thereby recuse himself as a Board hearing member. Motion passed with Mr. Elle recused.

FY17.11 Survey, St. Maries, ROPR. An Order to Extend Time was presented to the Board.

Moved by Mr. Elle, seconded by Dr. Murgel to approve the Order to Extend Time. Motion passed unanimously.

Moved by Dr. Murgel, seconded by Mr. Tomkinson to designate Mr. Obermayer as an expert witness and thereby recuse himself as a Board hearing member. Motion passed with Mr. Obermayer recused.

FY17.12 Surveyor from Bingham County, ROPR. An Order to Extend Time was presented to the Board.

Moved by Mr. Watkins, seconded by Dr. Murgel to authorize a preliminary investigation in this matter. Motion passed with Mr. Bennett recused.

Moved by Mr. Elle, seconded by Dr. Murgel to designate Mr. Bennett as an expert witness and thereby recuse himself as a Board hearing member. Motion passed with Mr. Bennett recused.

Moved by Mr. Watkins, seconded by Mr. Tomkinson to approve the Order to Extend Time. Motion passed with Mr. Bennett recused.

FY17.12A Surveyor from Bingham County, ROPR. An Executive Summary was presented for the Board's review. This matter is a split off from 17.12.

Moved by Mr. Elle, seconded by Dr. Murgel to refer this matter to the prosecutor for negotiating a Stipulation and Consent Order. Motion passed with Mr. Bennett recused.

FY17.14 An engineer had a formal complaint filed against him regarding snow loads and structural failure analysis. A preliminary investigation is underway. The Board noted the information.

FY17.15 Surveyor from Moscow, Idaho, ROPR.

Moved by Mr. Elle, seconded by Mr. Watkins to authorize a preliminary investigation in this matter. Motion passed unanimously.

Moved by Dr. Murgel, seconded by Mr. Obermayer to extend the time for this docket. Motion passed unanimously.

Michael Dahmer joined the meeting.

FY16.02 Herbst, Amy, ROPR. This docket was dismissed at the January 2016 meeting. Mr. Dahmer discussed this matter further with the Board.

Michael Dahmer left the meeting.

Moved by Mr. Elle, seconded by Mr. Watkins to investigate the lapsed Certificate of Authorization discussed and report back to the Board. Motion passed unanimously.

V. CONSIDERATION OF APPLICATIONS

Moved by Mr. Elle, seconded by Mr. Obermayer to enter into executive session to consider records that are exempt from disclosure as provided for by Idaho Code 74-206(1)(d). Roll call vote results; Mr. Bennett, yes; Mr. Watkins, yes, Mr. Elle, yes; Mr. Wagner, yes; Mr. Tomkinson, yes; Dr. Murgel, yes, and Mr. Obermayer, yes. After meeting in executive session, the Chairman directed the Board to return to regular session.

NON-STANDARD - Comity

Moved by Dr. Murgel, seconded by Mr. Tomkinson to approve the following applications for comity licensure:

- Paul Baluch for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Canada.
- Nancy Heuman for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with her licensure in Washington.
- Daniele Nebbia for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in the United Kingdom.
- Regina Voron for licensure as a professional engineer especially qualified in mechanical engineering on the basis of comity with her licensure in Canada.
- Jonathan B. Wittlin for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his licensure in Georgia.

The motion passed unanimously.

Moved by Mr. Wagner, seconded by Dr. Murgel to approve the application of Masoud Babaei for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his license in Washington. Motion passed unanimously.

Moved by Mr. Wagner, seconded by Mr. Tomkinson to approve the application of Bhaskar Chittoori for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his license in Texas. Motion passed unanimously.

Moved by Mr. Watkins, seconded by Mr. Elle to approve the application of Michael Dahlin for licensure as a professional land surveyor on the basis of comity with his license in Washington. Motion passed unanimously.

Moved by Mr. Elle, seconded by Mr. Watkins to continue the application of Timothy William Harrigan for licensure as a professional land surveyor on the basis of comity with his license in California pending additional information. Motion passed unanimously.

Moved by Dr. Murgel, seconded by Mr. Wagner to continue the application of Esha Modi for licensure as a professional engineer especially qualified in civil engineering on the basis of comity with his license in North Carolina pending additional information. Motion passed unanimously.

III. UNFINISHED BUSINESS

4. Mr. Bennett and Mr. Elle updated the Board on the ISU surveying program. The Board noted the information.

5. The Board reviewed the policy on Fine in Lieu of Discipline.

Moved by Mr. Tomkinson, seconded by Dr. Murgel to approve the policy. Motion passed unanimously.

6. A question was submitted previously about whether a city engineer should include a PE number on plats reviewed.

Moved by Mr. Elle, seconded by Mr. Tomkinson to approve Board opinion on PE numbers on plats. Motion passed unanimously.

7. Staff was directed to obtain written affirmation from the Canadian and the UK Engineering organizations that they will license Idaho engineers under substantially the same conditions are required in 54-1219, Idaho code. The Board noted the responses and directed staff to follow up with the UK Engineering Council and the remaining provinces and territories regarding reciprocal licensure considerations for Idaho professional engineers.

8. The White Paper on Electronic Documents was revised for the Board's review.

Moved by Mr. Watkins, seconded by Mr. Tomkinson to approve guidelines for electronic signatures as presented. Motion passed unanimously.

9. The final budget request for FY2019 was submitted. It includes the addition of a PLS to the staff. The Board noted the information.

10. The Board continued to discuss Executive Order 2017-06. Mr. Simila will create a draft report for review at the November meeting. The Board noted the information.

11. Mr. Simila provided an update on plans for the 2019 NCEES WZ meeting in Boise. The Board noted the information.

12. Mr. Simila provided an update to the Board on the IACRC meeting and the next steps for electronic recording. The Board noted the information.

IV. NEW BUSINESS

1. Reports by Board Members and Staff of activities since the June meeting.

Mr. Simila met with the staff at ISU about the surveying program; met with Rep. Trujillo & Sen. Hagedorn about the ISU surveying program; attended an ISPLS SW Section meeting; attended the PNWER Summit, attended the Board retreat in Riggins; worked on survey investigations in Grangeville & Harpster; met with representatives from the Governor's office regarding a new surveyor position; attended the IACRC annual meeting in Salmon and participated in depositions for FY16.03. Dr. Murgel attended the Board retreat in Riggins; attended a NCEES FE exam committee meeting and attended the NCEES annual meeting. Mr. Obermayer worked on a survey investigation; attended the Board retreat in Riggins; attended the NCEES annual meeting and answered questions from surveyors. Mr. Tomkinson met with legislators about the ISU surveying program; attended the Board retreat in Riggins and attended the NCEES annual meeting. Mr. Wagner attended the Board retreat in Riggins. Mr. Watkins attended the Board retreat in Riggins; attended the NCEES annual meeting and answered engineering questions. Mr. Elle met with the staff at ISU about the surveying program; answered surveying questions; worked on surveying investigations; attended the Board retreat in Riggins; attended the NCEES annual meeting and participated in depositions for FY16.03. Mr. Bennett met with the staff at ISU about the surveying program; met with Rep. Trujillo & Sen. Hagedorn about the ISU surveying program; met with representatives from the Governor's office regarding a new surveyor position; attended the Board retreat in Riggins; answered surveying questions; taught a surveying course at Idaho City High School twice per week and attended the NCEES annual meeting. Mr. Szatkowski attended the Board retreat in Riggins and the NCEES annual meeting.

2. Staff provided an update on the Board's financial status as of July 31, 2017. The Board noted the information.
3. Staff prepared an Expense Reimbursement Summary for the Executive Director for June 1, 2017 through August 31, 2017 for the Board's review.

Moved by Dr. Murgel, seconded by Mr. Wagner to approve the expense reimbursement summary as presented. Motion passed unanimously.

8. Mr. Simila created a draft policy on the staff approval process for MLE/MLS applicants.

Moved by Mr. Wagner, seconded by Mr. Tomkinson to approve the policy as drafted. Motion passed unanimously.

11. "Redstone Systems Engineering LLC" requested that the Board allow the business name to be used in Idaho. They do not have a professional engineer on staff.

Moved by Mr. Obermayer, seconded by Mr. Watkins to deny the request to use "engineering" in the name of the company. Motion passed unanimously.

12. A graduate student at the University of Maine submitted some questions about surveying jurisdictional exams. The Board noted the information.
13. The Attorney General's office is investigating a possible case of criminal fraud. An individual is claiming to be licensed in Idaho when there is no evidence to support that. The Board will review the case after final action by the Attorney General's office.
14. An individual may be offering services through an expired Certificate of Authorization. The Board noted the information.
15. The ACEC-Idaho conference is Nov 9-11 in McCall. Does the board want to send someone?

Moved by Mr. Elle, seconded by Dr. Murgel to send the Executive Director and Mr. Watkins to the conference. Motion passed unanimously.

16. A request from ACEC-Idaho and Forsgren (separately) to consider whether the Board thinks the RFQ for Bridge Inspections is engineering and therefore should be a QBS process vs. bid.

Moved by Mr. Tomkinson, seconded by Mr. Elle to write a Board opinion on the matter and send a letter to the IDL procurement manager and the director stating the Board opinion. Motion passed unanimously.

The Board noted the issuance of professional engineer licenses to the following individuals since the last meeting of the Board. They are listed by name, discipline and the comity state as indicated:

Bryan L Baggaley (Civil, Structural)
Rinkus
4114 S 2000 E
Holladay, UT 84124

Utah

Carlie Anne Berard (Civil)
Einstien Design LLC
606 Commercial Ave Ste D
Anacortes, WA 98221

Louisiana

Tino Bretschneider (Civil) DOKA Usa Ltd 214 Gates Rd Little Ferry, NJ 07643	Illinois
Kevin S Brown (Structural) LBYD Inc 716 S 30th St Birmingham, AL 35233-2908	Alabama
Felix Erasmo Cestari (Civil) 4762 White Sanderling Ct Tampa, FL 33619	Ohio
David Wade Collins (Civil, Structural) 5036 Regent Dr Nashville, TN 37220	Tennessee
Michael Deese (Civil) 101 Lochview Dr Cary, NC 27518	North Carolina
Kent Alan Delph (Civil) 1518 Hendola Dr NE Albuquerque, NM 87110	Arizona
Thomas F Flickinger (Electrical) 3861 Maple Grove Dr Madison, WI 53719	Wisconsin
Thomas F Flickinger (Electrical) 3861 Maple Grove Dr Madison, WI 53719	Wisconsin
Matthew B Flint (Civil) 30 137th St SW Everett, WA 98208	Washington
Daniel P Gruman (Civil) 3006 E Branham Ln Phoenix, AZ 85042	Kansas
Grae Russell Harper (Civil) HECO Engineers 523 S Emily Ave Boise, ID 83709-0575	Oregon

Thomas Hawksworth (Civil)
2285 W Windchime Dr
Meridian, ID 83646

California

John L Keahey (Mechanical)
4721 St Dominic Pl
Mobile, AL 36693

Alabama

Robert James Kimball (Chemical)
12 Reeders Village Dr
Helena, MT 59601

California

Randal V Koetje (Mechanical)
University Mechanical Contractors Inc
11611 49th Olace W
Mukilteo, WA 98072

Washington

Jeffery Clay Lewis (Structural)
West Coast Forensics Engineering & Design LLC
3835 SW Kelly Ave Ste 200
Portland, OR 97239

Illinois

Megan McNeese (Civil)
2650 S Swallowtail Ln
Boise, ID 83706

Texas

Aaron Jon Meorado (Civil, Structural)
Terracon Consultants
902 Industrial Way
Lodi, CA 95240

California

Brett Douglas Mickelson (Civil)
375 Matterhorn Dr
Park City, UT 84098

Utah

W Keegan Rauf (Electrical)
KWR Electrical Consulting & Design
104 S Freya St Blue Flag Bldg, Ste 204
Spokane, WA 99202

Washington

Aaron Thomas Rucker (Civil)
TEP OPCO LLC
326 Tryon Rd
Raleigh, NC 27603

North Carolina

Jason John Schaefer (Civil)
Burns & McDonnell
9785 Maroon Cir Ste 400
Centennial, CO 80112

Colorado

Craig Reed Schroeder (Civil)
19565 Goelzer Way
Rathdrum, ID 83858

California

Alex Pierre Sylvain (Civil)
906 S Riverside Harbor Dr
Post Falls, ID 83854

Arizona

Anthony M Trout (Civil)
Nucor Buildings Group Comm Services
2380 Bellbrook Ave Ste G
Xenia, OH 45385

Ohio

Rachel Coburn Vandenberg (Civil)
1616 22nd St
Manhattan Beach, CA 90266

California

Brian M Volpe (Civil, Structural)
Cives Corporation
3700 Mansell Rd Ste 500
Alpharetta, GA 30022

Michigan, Ohio

Errol Lars Yuksek (Mechanical)
2642 W Porter Ave Apt 10
Fullerton, CA 92833

California

Based on passage of the Fundamentals of Engineering examination, a certificate was issued to the following:

Grady Preston Beck - 5222 W Ellens Ferry Ct., Boise ID 83703
Aaron M Bonney - 523 W Roosevelt Ave., Nampa ID 83686
Ajay William Dillon - 2844 Bo Daniel Ln., Nampa ID 83687
Karma Tenzing Gurung - 1517 Eastridge Dr., Apt 60, Pocatello ID 83201
Dmitry Iodko - 2076 N. Viewhill Ave., Meridian ID 83646
Patrick N Kelly - 3642 Eisenhower Dr., Meridian ID 83642
Travis Theodore Klassen - 1906 S 2900 W, Aberdeen ID 83210
Scott R Marshall - 4285 Catalpa Dr., Boise ID 83703
Peter Timothy Martin - 304 Melba Dr., Nampa ID 83686
Martijn Bernard Rook - 984 N Camelot Dr., Boise ID 83704
Jake Ryan - 1470 S Diomi Way, Boise ID 83709
Ian Shelman - 18593 S Pleasant Valley Rd., Kuna ID 83634

Maria A Tangarife Garzon - 477 Pheasant Ridge Dr., Apt B, Chubbuck ID 83202

A comity license was granted to the following Professional Land Surveyor with the state as indicated: _____

Paul Buchele
210 E 600 S Apt 2104
Vernal, UT 84078

Georgia

The following business entities were issued a Certificate of Authorization for Professional Engineering Services and/or Professional Land Surveying Services.

Dewberry Engineers Inc.
8401 Arlington Blvd
Fairfax VA 22031

DOKA Usa Ltd
214 Gates Rd
Little Ferry NJ 07643

Engineering With A Mission LLC
3881 N 39th St
Boise ID 83703

FA Structures PLLC
1014 E Krall St
Boise ID 83712

Johnson Surveying NW Inc.
PO Box 2544
Post Falls ID 83877

LBYD Inc.
716 S 30th St
Birmingham AL 35233-2908

Project Design Group Inc.
PO Box 161468
Mobile AL 36616

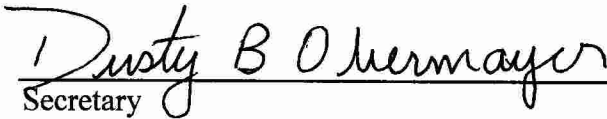
Taylor and Viola Structural Engineers PC
PO Box 2616
Hickory NC 28603

West Coast Forensics Engineering & Design LLC
3835 SW Kelly Ave
Portland OR 97239

Moved by Mr. Elle, seconded by Mr. Tomkinson to adjourn the meeting at 2:00 p.m. on September 8, 2017. Motion passed unanimously.

A handwritten signature in cursive script, appearing to read "Glen K. Jones", written above a horizontal line.

Chair

A handwritten signature in cursive script, appearing to read "Dusty B. Ohermayer", written above a horizontal line.

Secretary